

IN SENATE OF THE UNITED STATES,

JANUARY 19, 1824.

MR. MILLS, from the Committee on Foreign Relations, to whom was referred the petition of Richard O'Brien, submitted the following

REPORT:

That the petitioner prays an allowance for losses sustained, expenses incurred, and services rendered the United States, as Consul General at Algiers.

The committee find, that, in May, 1806, soon after the return of Captain O'Brien from the coast of Barbary, his account, as Consul General, was allowed and settled at the proper department, and the balance in his favor, amounting to thirty-three thousand one hundred and fifty-nine dollars, was paid him from the Treasury; that this sum comprised the whole amount then claimed of the Government, so far as the committee can judge from the copy of the account then exhibited, excepting the sum of six hundred dollars, which was referred by the Auditor to the Secretary of State, as belonging exclusively to that department, and which was thereupon allowed and paid to the said O'Brien.

The committee further find, that, in April, 1808, the said O'Brien exhibited another claim principally on account of the loss of a vessel called the Vickelhodge, purchased of the Regency of Algiers, for a dispatch vessel, and which was taken and condemned at Malaga, while proceeding with dispatches to the United States. This claim amounted to \$17,099 25, and purported to be in full of all claims in favor of said O'Brien—and was admitted and sanctioned by the then Secretary of State, Mr. Madison, although a part of said claim was unsupported by any voucher or evidence except the oath of the petitioner. The balance, amounting to \$13,899 25, was thereupon paid him.

In the year 1814, the said O'Brien again presented himself to the department with further claims, but of what character, or to what amount, does not appear; for, before they were conclusively acted upon, the petitioner, in consequence of domestic misfortunes, returned home, and nothing further was then done upon the subject.

It appears further to your committee, that the original general account of Captain O'Brien was, in August, 1814, consumed with the

Treasury building, together with all the vouchers, subordinate accounts, and abstracts, connected therewith, which had been filed in that office. Sometime after this, in 1818, the petitioner exhibited to the department a variety of claims; but, as the loss of the accounts and papers, as above stated, rendered it impossible to determine whether the items in that account had or had not been admitted in the former settlements, the whole claim was rejected by the department, and the petitioner withdrew his account.

Afterwards, the petitioner applied to Congress, and, in May, 1820, an act passed for his relief, under which he obtained the sum of \$10,174 66; \$8,700 of which was to indemnify him for so much paid the Dey's broker and ministers, for the loss of their shares, respectively, in the vessel Vickelhodge, taken and condemned as above-mentioned. And in this settlement, it is stated by the Secretary of State, that two items only of the account presented on that occasion by the petitioner, were deemed inadmissible under the act: the one amounting to \$8,000, for the cost and outfit of said vessel, and the other amounting to \$4,934 50, for his own interest in the cargo.

In May, 1822, an act was passed explanatory of the last-mentioned act, under which he obtained the further sum of \$8,000, being for the cost and outfit of said vessel. Any allowance for his own interest in the cargo of said vessel, was expressly prohibited by said acts of Congress, on the ground of the danger of permitting public officers from engaging in equivocal commercial speculations, in which the public agent is blended with the private adventurer, in transactions, which, when successful, turned wholly to the profit of the latter, and, when disastrous, to the charge of the Government.

The committee are not unmindful of the important services rendered to the Government by Captain O'Brien, in a situation of great public embarrassment and personal hazard, and were desirous that the most complete and ample justice should be done by those in whose interests he evinced so much zeal and ability; but, considering that his accounts underwent a full and fair investigation, while these services were well known to the Government, and fresh in his own recollection; that his claim was then allowed in its utmost extent; and that the settlement of 1808 purported to be a final one of all his claims as Consul General; considering the sums which have since been allowed him under the acts of Congress above-mentioned, and the loss of his papers, as above stated, they cannot, in justice to the Government, recommend any further interposition of Government in his behalf. They, therefore, submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.